

REMARKS

Claims 1-5 and 7-18 are pending. By this Amendment, independent claims 1, 9 and 10 are amended to even more clearly distinguish over the applied references. Support for the amendment to claims 1, 9 and 10 can be found in the original specification at, for example, paragraph [0100]. Thus, no new matter is added by the above amendments.

Claims 1, 7-10 and 14-18 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,477,264 to Sarbadhikari et al. in view of U.S. Patent No. 6,721,001 to Berstis. This rejection is respectfully traversed.

Independent claims 1, 9 and 10 have been amended to clarify that the other digital data that is not transmitted from the memory of the digital camera is digital data of any stored documents. Neither Sarbadhikari et al. nor Berstis discloses or suggests the combination of features recited in independent claims 1, 9 and 10 in which digital image data is transmitted from a digital camera but other digital data of any stored documents is not transmitted from the memory of the digital camera. The Office Action acknowledges that Berstis does not disclose such features, but rather discloses transmitting image data and text data. See, for example, col. 4, lines 53-60 of Berstis. The Office Action relies upon the enhancement files of Sarbadhikari et al. as allegedly corresponding to the other stored digital data that is not transmitted.

First, the enhancement files of Sarbadhikari et al. are not documents. Thus, Sarbadhikari et al. does not disclose or suggest, even when combined with Berstis, an arrangement in which stored documents in the memory of the digital camera are not transmitted. Neither reference discusses the handling of document files.

Second, Applicant respectfully submits that, contrary to what is asserted in the Office Action, it is not inherent in Sarbadhikari et al. that the enhancement files are not transmitted. Sarbadhikari et al. only discloses that the enhancement files are downloaded if they exist.

See, for example, col. 8, lines 13-17 and col. 8, lines 36-39. The Office Action reaches an unsupported conclusion (reached only in an effort to reject Applicant's claims and only inferred with Applicant's claims in mind - thus constituting impermissible hindsight) when it interprets Sarbadhikari et al.'s statement that software enhancements "which can be used by the computer" are downloaded to mean that software enhancements that cannot be used by the computer are not downloaded. Sarbadhikari et al. never explicitly states that software enhancements can be present that cannot be used by the computer. Thus, it is not inherent in the teachings of Sarbadhikari et al. that available software enhancements are not downloaded. Thus, even without the above amendments to claims 1, 9 and 10, Applicant submits that the claims are patentable over Sarbadhikari et al. in view of Berstis.

However, claims 1, 9 and 10 have been amended to even further distinguish these claims over the applied references. Withdrawal of the rejection is requested.

Claims 2, 3, 5, 11 and 12 stand rejected under 35 U.S.C. §103(a) over Sarbadhikari et al. in view of Berstis, and further in view of U.S. Patent No. 6,256,059 to Fichtner. Claims 4 and 13 stand rejected under 35 U.S.C. §103(a) over Sarbadhikari et al. in view of Berstis, and further in view of U.S. Patent No. 6,516,099 to Davison et al. Neither Fichtner nor Davison et al. provides the deficiencies noted above with respect to Sarbadhikari et al. and Berstis. Accordingly, claims 2-5 and 11-13 also are patentable. Withdrawal of the rejections is requested.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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MAC/ccs

Attachments:

Petition for Extension of Time
Request for Continued Examination

Date: December 5, 2006

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